

Message Text

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ACTION EB-08

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LIMITED OFFICIAL USE BELGRADE 5023

EXCON

E.O. 11652: N/A
TAGS: ESTC, YO
SUBJ: YUGOSLAV LEGISLATION ON FOREIGN BUSINESS COOPERATION
AND US EXPORT CONTROL REGULATIONS

REF: STATE 166161

1. PRODUCTION LICENSING AGREEMENTS DO NOT FALL
WITHIN SCOPE OF NEW JOINT VENTURE LAW BUT RATHER ARE
GOVERNED BY RECENTLY ENACTED REGULATION ON LONG TERM
PRODUCTION COOPERATION, BUSINESS TECHNICAL COOPERATION
AND ACQUISITION AND GRANTING OF THE MATERIAL RIGHTS TO
TECHNOLOGY BETWEEN ORGANIZATIONS OF ASSOCIATED LABOR
AND FOREIGN PERSONS (OFFICIAL GAZETTE, NO. 8/78).
ARTICLE 20 OF THIS REGULATION STATES THAT APPROVAL OF
A TECHNOLOGY LICENSING OR BUSINESS TECHNICAL AGREEMENT
IS CONDITIONED ON THE PRESENTATION OF EVIDENCE
THAT EXPORTS OF THE PRODUCTS TO BE PRODUCED WILL
NOT BE RESTRICTED. THE BUSINESS PARTNERS ARE EXEMPTED
FROM THIS PROHIBITION ONLY FOR COUNTRIES WHERE THE
FOREIGN OR DOMESTIC PARTNER ALREADY MANUFACTURES
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PAGE 02 BELGRA 05023 120024Z

THESE PRODUCTS OR HAS GIVEN A LOCAL FIRM EXCLUSIVE
PRODUCTION RIGHTS. ARTICLE 20, THEREFORE, WOULD
APPEAR TO PROHIBIT THE KIND OF COMMITMENTS WHICH
YUGOSLAV LICENSEES HAVE MADE TO OEA UNDER US EXPORT
CONTROL REGULATIONS IN THE PAST. THE REGULATION,
HOWEVER, ONLY WENT INTO EFFECT ON FEBRUARY 18 AND
IS NOT RETROACTIVE. IT SHOULD HAVE NO EFFECT ON THE

ISKAR-AMERICAN MICROSYSTEMS AGREEMENT.

2. THE PROVISION OF THE JOINT VENTURE LAW
RELATING TO EXPORT RESTRICTIONS IS MORE FLEXIBLE THAN
THAT OF THE LICENSING REGULATION AND MIGHT ACCOMMODATE
COMMITMENTS REQUIRED BY US EXPORT CONTROL REGULATIONS.
ARTICLE 42 STATES THAT A JOINT VENTURE AGREEMENT WILL
NOT BE APPROVED IF IT RESTRICTS EXPORTS AND IF SUCH
RESTRICTIONS DO NOT COMPLY WITH YUGOSLAV FOREIGN
ECONOMIC POLICY. LIKE THE LICENSING REGULATION, THE
NEW JOINT VENTURE LAW APPLIES ONLY TO AGREEMENTS SIGNED
AFTER IT BECAME EFFECTIVE.

3. EMBASSY ECON/COMMERCIAL OFFICER HAS APPOINTMENT
WITH OFFICIAL OF FEDERAL COMMITTEE FOR ENERGY AND
INDUSTRY ON JULY 11 TO DISCUSS LICENSING REGULATION
AND WILL RAISE THIS ISSUE AT MEETING. EMBASSY TRANSLATION
OF LICENSING REGULATION HAS BEEN SENT BY POUCH TO THE
DEPARTMENT AND USDOC.
EAGLEBURGER

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Message Attributes

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